

ESTTA Tracking number: **ESTTA556939**

Filing date: **08/29/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Sony Corporation		
Entity	Corporation	Citizenship	Japan
Address	1-7-1 Konan, Minato-ku Tokyo, JAPAN		

Attorney information	Robert B.G. Horowitz, Esq. Baker & Hostetler LLP 45 Rockefeller Plaza, 14th Floor New York, NY 10111 UNITED STATES rhorowitz@bakerlaw.com, dtobin@bakerlaw.com, ejoyce@bakerlaw.com, nydocketing@bakerlaw.com Phone:212 589-4200
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Registration Subject to Cancellation

Registration No	4222713	Registration date	10/09/2012
Registrant	J.W. Pepper & Son, Inc. P.O. Box 1795 2480 Industrial Boulevard Paoli, PA 19301 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2012/01/17 First Use In Commerce: 2012/01/17

All goods and services in the class are cancelled, namely: on-line retail store services featuring downloadable pre-recorded music and videos, ebooks, musical products in the nature of printed sheet music, pre-recorded CDs featuring music, DVDs featuring concerts, music videos, documentaries and television shows featuring musical content, microphones, headphones, cables for connecting musical instruments and microphones to amplification systems and recording hardware, recording gear, controllers, namely, keyboard control surfaces for use in recording and live audio, interfaces, namely, recording hardware used to connect instruments and microphones to computers, software, namely, digital audio recording software used in the creation and recording of audio, software, namely, music notation software used in the creation of music notation, tuners, metronomes, music stands, and gear used to promote music in the nature of t-shirts, sweatshirts and belt buckles

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	4313348	Application Date	12/28/2009
Registration Date	04/02/2013	Foreign Priority Date	NONE
Word Mark	SONY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2011/02/28 First Use In Commerce: 2011/02/28 Broadcasting 2D/3D programs via a global computer network; cable television broadcasting; 2D/3D podcasting services; providing electronic bulletin boards for transmission of messages among users; satellite television broadcasting; streaming of audio material on the Internet; streaming of 2D/3D video material on the Internet; 2D/3D video broadcasting; video-on-demand transmission services; webcasting services; television broadcasting services Class 041. First use: First Use: 2011/02/28 First Use In Commerce: 2011/02/28 Entertainment services, namely, production of television shows		

U.S. Registration No.	888316	Application Date	08/09/1968
Registration Date	03/24/1970	Foreign Priority Date	NONE
Word Mark	SONY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U039 (International Class 010, 025, 026). First use: First Use: 1967/07/20 First Use In Commerce: 1967/07/20 SHIRTS, JACKETS, [SHOES, AND HANDKERCHIEFS]		

Attachments	SONIFLY - PETITION FOR CANCELLATION.pdf(1264724 bytes) SONIFLY TTAB EXHIBITS.pdf(1405405 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Robert B.G. Horowitz/
Name	Robert B.G. Horowitz, Esq.
Date	08/29/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SONY CORPORATION,)
)
Petitioner,)
)
v.)
)
J.W. PEPPER & SON, INC.,)
)
Respondent.)

Cancellation No.:

PETITION FOR CANCELLATION

In the matter of the Registration No. 4222713 owned by J.W. PEPPER & SON, INC. (hereinafter referred to as "Respondent") for the designation SONIFLY in plain word format ("designation SONIFLY") in International Class 35 for "on-line retail store services featuring downloadable pre-recorded music and videos, ebooks, musical products in the nature of printed sheet music, pre-recorded CDs featuring music, DVDs featuring concerts, music videos, documentaries and television shows featuring musical content, microphones, headphones, cables for connecting musical instruments and microphones to amplification systems and recording hardware, recording gear, controllers, namely, keyboard control surfaces for use in recording and live audio, interfaces, namely, recording hardware used to connect instruments and microphones to computers, software, namely, digital audio recording software used in the creation and recording of audio, software, namely, music notation software used in the creation of music notation, tuners, metronomes, music stands, and gear used to promote music in the nature of

t-shirts, sweatshirts and belt buckles”, which issued on October 9, 2012, Sony Corporation (hereinafter referred to as "Petitioner" or "Sony"), a corporation organized and existing under the laws of Japan, which has its principal place of business at 1-7-1 Konan, Minato-ku, Tokyo, Japan, believes it will be damaged by the continued registration of the designation SONIFLY and hereby seeks cancellation of same.

The grounds for this cancellation proceeding are as follows:

1. Petitioner adopted and began using the famous trademark SONY and SONY-formative trademarks for goods sold and services rendered in interstate commerce long before Respondent applied to register, or commenced use of, the designation SONIFLY for related services.

2. The trademark SONY is used for a wide variety of goods and services in the United States, including musical recordings, motion pictures, microphones, headphones, pre-recorded DVDs, streaming of audio material on the Internet and for production of television shows, and articles of clothing, as well as online retail store services provided in connection with the SONY mark that feature musical recordings, motion pictures, microphones, headphones, pre-recorded DVDs and streaming of audio material on the Internet and television shows.

3. The trademark SONY MUSIC is used for musical sound recordings, audiovisual recordings featuring music and musical based entertainment, downloadable musical sound and downloadable audiovisual recordings featuring music and musical based entertainment. SONY MUSIC is also used as a service mark for providing online entertainment, namely, providing sound and audiovisual recordings in the field of music and musical based entertainment, providing a website over a global computer network

featuring information on musical artists, providing information about performances to be given by musical artists on tours, the production of sound recordings, and providing information about popular culture and events and musical based entertainment.

4. The dominant feature of the SONY MUSIC mark is SONY.

5. The term SONY was coined and created by Petitioner, and does not have any meaning in the English language or any other language. The SONY trademark has been in use in the U.S. since at least the early 1960's and has been extensively advertised and promoted over the years at great expense.

6. Petitioner owns numerous trademark registrations for SONY per se and SONY-formative trademarks and service marks on the Principal Register in the United States Patent and Trademark Office which are valid, subsisting, in force and effect. Among many others, Petitioner owns:

a. U.S. Trademark Registration No. 4313348 for SONY for "broadcasting 2D/3D programs via a global computer network; cable television broadcasting; 2D/3D podcasting services; providing electronic bulletin boards for transmission of messages among users; satellite television broadcasting; streaming of audio material on the Internet; streaming of 2D/3D video material on the Internet; 2D/3D video broadcasting; video-on-demand transmission services; webcasting services; television broadcasting services" in Class 38 and "entertainment services, namely, production of television shows" in Class 41; and,

b. U.S. Trademark Registration No. 888316 for SONY for "shirts, jackets" in Class 25.

Copies of said registrations and the TSDR database status information for each are

attached as Exhibits 1 and 2, respectively.

7. Petitioner, since a date long prior to the April 29, 2011 filing date of Respondent's underlying application serial number 85308590 to register the designation SONIFLY ("Underlying Application"), and since a date long prior to Respondent's claimed date of first use of "at least as early as 01/17/2012" in said Underlying Application to register SONIFLY, and continuously to the present date, has extensively used in interstate commerce SONY and SONY MUSIC for its goods and services, and in advertising and promotions for such goods and services. The SONY and SONY MUSIC marks have been and are being used in connection with goods distributed and sold and services rendered and sold extensively by Petitioner in interstate commerce in a manner customary to the trade and customers to identify Petitioner as the source of such goods and services.

8. Since a date long prior to Respondent's filing of, and first use dates in, the Underlying Application and continuously to the present date, Petitioner has widely and at great expense advertised and promoted in the United States products that are distributed and sold under the SONY and SONY MUSIC marks as well as services that are rendered and sold in the United States under those marks. Advertisements for said SONY-branded and SONY MUSIC-branded products and services have been placed in a wide variety of print, television, radio and online media. Petitioner's promotion efforts have been extensive as well. Petitioner's advertising and promotion of its goods and services over the course of time have cost hundreds of millions of dollars.

9. As a result of said advertising and promotion efforts and the concomitant enormous distribution and sale of its goods and the rendering and sale of its services,

Petitioner's SONY mark has become famous and identified in the mind of the public with Petitioner's products and services, as evidencing that products bearing said mark and services rendered in connection with said mark emanate from, or are authorized and/or sponsored by, or are affiliated or connected with Petitioner.

10. In addition to the SONY MUSIC mark, the SONY mark also is used in combination with other non-distinctive suffixes, such as SONY PICTURES, SONY FINANCIAL SERVICES and SONY ONLINE ENTERTAINMENT.

11. By reason of said extensive distribution, sales and advertising of SONY goods and the rendering and sale of SONY-branded services, the SONY mark is among the most famous in the world and has achieved a reputation and goodwill throughout the United States of inestimable value. The 2013 Harris Poll EquiTrend Rankings, a survey of U.S. consumers which uses "an academically vetted brand equity model with elements like familiarity, quality, and purchase considerations" ranked the SONY brand as the "Consumer Electronics Brand of the Year", as per Exhibit 3 attached hereto. From 1995 through 2007, the annual Harris Poll Best Brands Survey ranked the SONY mark as No. 1 for nine out of thirteen years (during the years 1996, 1998, 2000, 2001, 2002, 2003, 2004, 2005, and 2006). See Exhibit 4 hereto, which is a copy of a press release issued by Harris Interactive on July 17, 2007. All documents referred to in this paragraph are accessible at www.harrisinteractive.com.

12. Since Petitioner's SONY trademark is arbitrary, fanciful and famous, it is entitled to a wide scope of protection.

13. On information and belief, Respondent adopted its SONIFLY designation with prior knowledge of Petitioner's SONY mark.

14. Respondent's SONIFLY designation is close in sound to Petitioner's SONY mark. The "SONI" element thereof is capable of being pronounced as Petitioner's SONY mark.

15. Like Petitioner's SONY mark, the SONI element in Respondent's mark has no meaning.

16. The services as set forth in Respondent's SONIFLY application are, or will be, advertised and sold to customers which are among the customer groups to which Petitioner's said SONY-branded and SONY MUSIC-branded goods are advertised and sold and SONY-branded and SONY MUSIC-branded services are advertised and rendered.

17. On information and belief, the retail store services offered by Respondent in connection with the designation SONIFLY offer goods that overlap with those offered by Petitioner's online retail store services offered in connection with the SONY mark.

Count I – Likelihood of Confusion – Section 2(d) of the Lanham Act

18. Prospective and actual customers for Respondent's SONIFLY services who are familiar with Petitioner and its SONY-per se branded goods and services and Petitioner's goods and services offered in connection with the SONY brand coupled with a non-distinctive element as identified above, are likely to be confused, mistaken or deceived as to the source, origin, affiliation, connection or association of Respondent's services.

19. Likelihood of confusion in this case is enhanced by the fame of Petitioner's SONY mark.

20. Registration of Respondent's designation SONIFLY thus will damage

Petitioner within the meaning of Section 2 (d) of the Lanham Act, 15 U.S.C. Section 1052 (d).

Count II – Likelihood of dilution – Section 43(c) Lanham Act

21. Petitioner repeats and reallages paragraphs 1 through 17 as though fully set forth herein.

22. Petitioner's SONY mark has been widely used and extensively advertised, promoted and publicized in the United States, and therefore, Petitioner's SONY mark has become well known and famous as a distinctive symbol of Petitioner's goodwill.

23. Petitioner's SONY mark was well known and famous prior to Respondent's first use of SONIFLY and the filing date of the Underlying Application.

24. Respondent's use of SONIFLY is likely to cause dilution by blurring by creating a likelihood of association with Petitioner arising from the similarity to Petitioner's famous SONY mark and is likely to impair the distinctiveness of the SONY mark.

25. The continued registration of Respondent's designation SONIFLY thus will damage Petitioner within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. Section 1125(c).

WHEREFORE, Petitioner prays that this proceeding be sustained and that
Registration No. 4222713 be canceled.

Respectfully submitted,

BAKER & HOSTETLER LLP

By: 

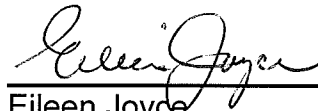
Dated : New York, N.Y.
August 29, 2013

Robert B.G. Horowitz
Donna A. Tobin
Attorneys for Petitioner
45 Rockefeller Plaza
New York, N.Y. 10111
(212) 589-4200

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Cancellation and Exhibits were served by first class mail, postage prepaid, this 29th day of August, 2013 in an envelope addressed to Respondent's attorney of record, as follows:

TIMOTHY D. PECSENYE
BLANK ROME LLP
1 LOGAN SQ FL 8
PHILADELPHIA, PENNSYLVANIA 19103-6998



Eileen Joyce

EXHIBIT 1

United States of America

United States Patent and Trademark Office

SONY

Reg. No. 4,313,348
Registered Apr. 2, 2013

Int. Cls.: 38 and 41

SERVICE MARK

PRINCIPAL REGISTER

SONY CORPORATION (JAPAN CORPORATION)
1-7-1 KONAN, MINATO-KU
TOKYO, JAPAN

FOR: BROADCASTING 2D/3D PROGRAMS VIA A GLOBAL COMPUTER NETWORK;
CABLE TELEVISION BROADCASTING; 2D/3D PODCASTING SERVICES; PROVIDING
ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS;
SATELLITE TELEVISION BROADCASTING; STREAMING OF AUDIO MATERIAL ON THE
INTERNET; STREAMING OF 2D/3D VIDEO MATERIAL ON THE INTERNET; 2D/3D VIDEO
BROADCASTING; VIDEO-ON-DEMAND TRANSMISSION SERVICES; WEBCASTING
SERVICES; TELEVISION BROADCASTING SERVICES, IN CLASS 38 (U.S. CLS. 100, 101
AND 104).

FIRST USE 2-28-2011; IN COMMERCE 2-28-2011.

FOR: ENTERTAINMENT SERVICES, NAMELY, PRODUCTION OF TELEVISION SHOWS,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-28-2011; IN COMMERCE 2-28-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-901,423, FILED 12-28-2009.

HOWARD B. LEVINE, EXAMINING ATTORNEY



Lee M. Hockett
Acting Director of the United States Patent and Trademark Office

STATUS

DOCUMENTS

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Mark: SONY

SONY

US Serial Number: 77901423

Application Filing Date: Dec. 28,

US Registration Number: 4313348

Registration Date: Apr. 02, 2013

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 02, 2013

Publication Date: Dec. 07, 2010

Notice of Allowance Date: Feb. 01, 2011

Mark Information

Mark Literal Elements: SONY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of intent to use;
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Broadcasting 2D/3D programs via a global computer network; cable television broadcasting; 2D/3D video broadcasting; electronic bulletin boards for transmission of messages among users; satellite television broadcasting; streaming of 2D/3D video material on the Internet; 2D/3D video broadcasting; video webcasting services; television broadcasting services

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 28, 2011

Use in Commerce: Feb. 28, 2011

For: Entertainment services, namely, production of television shows

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 28, 2011

Use in Commerce: Feb. 28,

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Sony Corporation

Owner Address: 1-7-1 Konan, Minato-ku
Tokyo
JAPAN

Legal Entity Type: CORPORATION

State or Country Where JAPAN
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Robert B.G. Horowitz, Esq.

Docket Number: 41279.16

Attorney Primary Email rhorowitz@bakerlaw.com

Attorney Email Authorized: No

Address:

Correspondent

Correspondent ROBERT B.G. HOROWITZ, ESQ.

Name/Address: BAKER & HOSTETLER LLP
45 ROCKEFELLER PLZ
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UNITED STATES

Phone: 212 589-4200

Fax: 212 589-

Correspondent e-mail: rhorowitz@bakerlaw.comCorrespondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date

Description

Proceeding Number

Apr. 02, 2013	REGISTERED-PRINCIPAL REGISTER	
Feb. 26, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 25, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	73296
Feb. 19, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 28, 2013	STATEMENT OF USE PROCESSING COMPLETE	76874
Jan. 24, 2013	USE AMENDMENT FILED	76874
Jan. 24, 2013	TEAS STATEMENT OF USE RECEIVED	
Aug. 09, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 08, 2012	EXTENSION 3 GRANTED	76874
Jul. 31, 2012	EXTENSION 3 FILED	76874
Jul. 31, 2012	TEAS EXTENSION RECEIVED	
Feb. 29, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 28, 2012	EXTENSION 2 GRANTED	76874
Feb. 01, 2012	EXTENSION 2 FILED	76874
Feb. 28, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Feb. 01, 2012	TEAS EXTENSION RECEIVED	
Aug. 02, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 29, 2011	EXTENSION 1 GRANTED	98765
Jul. 29, 2011	EXTENSION 1 FILED	98765
Jul. 29, 2011	TEAS EXTENSION RECEIVED	
Feb. 01, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 07, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 07, 2010	PUBLISHED FOR OPPOSITION	
Nov. 04, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Nov. 04, 2010	ASSIGNED TO LIE	73296
Oct. 22, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 22, 2010	EXAMINER'S AMENDMENT ENTERED	88888

Oct. 22, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 22, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 22, 2010	EXAMINERS AMENDMENT -WRITTEN	68792
Mar. 18, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 18, 2010	NON-FINAL ACTION E-MAILED	6325
Mar. 18, 2010	NON-FINAL ACTION WRITTEN	68792
Mar. 17, 2010	ASSIGNED TO EXAMINER	68792
Dec. 31, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 31, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 25,

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

EXHIBIT 2

United States Patent Office

888,316
Registered Mar. 24, 1970

PRINCIPAL REGISTER Trademark

Ser. No. 304,832, filed Aug. 9, 1968

SONY

Sony Corporation (Japanese corporation)
7-35 Kitashinagawa 6-Chome
Shinagawa-ku, Tokyo, Japan

For: SHIRTS, JACKETS, SHOES, AND HANDKER-
CHIEFS, in CLASS 39 (INT. CLS. 24 and 25).
First use July 20, 1967; in commerce July 20, 1967.
Owner of Reg. Nos. 705,902, 801,855 and others.

STATUS

DOCUMENTS

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Mark: SONY

No Image
exists for this
case.

US Serial Number: 72304832

Application Filing Date: Aug. 09,

US Registration Number: 888316

Registration Date: Mar. 24,

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jul. 09, 2010

Mark Information

Mark Literal Elements: SONY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US 0705902, 0801855 and others
Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: SHIRTS, JACKETS, [SHOES, AND HANDKERCHIEFS]

International Class(es): 010, 025, 026

U.S Class(es): 039 - Pri

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 20, 1967

Use in Commerce: Jul. 20, 1

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

Current Owner(s) Information

Owner Name: SONY CORPORATION

Owner Address: 1-7-1 Konan, Minato-ku
Tokyo
JAPAN

Legal Entity Type: CORPORATION

State or Country Where Organized: JAPAN

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: Robert B.G. Horowitz

Correspondent

Correspondent: Robert B.G. Horowitz

Name/Address: Cooper & Dunham LLP
1185 Avenue of the Americas
NEW YORK, NEW YORK 10036
UNITED STATES

Domestic Representative

Domestic Representative: ROBERT B. G. HOROWITZ

Name:

Prosecution History

Date	Description	Proceeding Number
Jul. 09, 2010	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	67603
Jul. 09, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 07, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603

Jul. 06, 2010	TEAS SECTION 8 & 9 RECEIVED
Dec. 23, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON- 88888 RESPONSIVE) ENTERED
Dec. 23, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED
Nov. 18, 2008	CASE FILE IN TICRS
Aug. 25, 2000	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)
Aug. 25, 2000	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED
Jan. 21, 2000	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED
May 23, 1990	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)
Apr. 17, 1990	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8
Jul. 24, 1987	MISCELLANEOUS PAPER

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Mar. 24, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Jul. 09, 2010

Assignment Abstract Of Title Information - Click to Load

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EXHIBIT 3



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2013 Harris Poll EquiTrend® Rankings

Using an academically vetted brand equity model with elements like familiarity, quality, and purchase consideration, brands create powerful connections with consumers.

The stronger the brand, the greater the bond. The Harris Poll EquiTrend study benchmarks how deep those bonds go and honors the highest ranked brands in each award category.

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Apparel

[Running Shoe](#)[Sporting Apparel](#)

Appliances

[Coffee Maker](#)[Major Appliance](#)[Small Kitchen Appliance](#)

Automotive

[Auto Service Center](#)[Full Line Automotive](#)[Luxury Automotive](#)[Motor Oil](#)[Motorcycle](#)[Recreation Vehicle](#)[Tires](#)

Beverages

[Beer](#)[Bottled Iced Tea](#)[Bottled Water](#)[Coffee](#)[Diet Soft Drink](#)[Energy Drink](#)[Fruit Flavored Drink](#)[Fruit Juice](#)[Hot Tea](#)[Light Beer](#)[Soft Drink](#)**Harris Poll EquiTrend® Press**

Americans' Perceptions of Luxury Brands Rising Despite Flagging Economy, Finds 2013 Harris Poll EquiTrend® Study

More on EquiTrend®

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[Georgetown University/IJRM Article](#)

White Paper[Georgetown University](#)

Harris Poll EquiTrend® as a predictor of stock performance in the 2008 financial crisis.

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877.919.4765 ☎

info@harrisinteractive.com

Online Organizations
Other Products
Over-the-Counter Products
Restaurants
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EquiTrend® Categories

Airlines
Apparel
Appliances
Automotive
Beverages
Car Rentals
Computer Products
Consumer Electronics
Cruise Lines
Entertainment / Recreation
Financial Services / Insurance
Foods
Health & Beauty
Hotels
Household Products
Media
Non-Profits
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Other Products
Over-the-Counter Products
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Retail
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Telecommunications

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Airlines
Apparel
Appliances
Automotive
Beverages
Car Rentals
Computer Products
Consumer Electronics
Cruise Lines
Entertainment / Recreation
Financial Services / Insurance
Foods
Health & Beauty
Hotels
Household Products
Media
Non-Profits
Online Organizations
Other Products

Car Rentals

Car Rental

Computers

Computer

Printer

Tablet Computer

Consumer Electronics

Car Audio

Consumer Electronics

SONY

2013 Harris Poll EquiTrend®
Consumer Electronics Brand of the Year

1	Sony Home Electronics
2	Samsung Home Electronics
3	LG Home Electronics
4	VIZIO Home Electronics
5	Panasonic Home Electronics

Other Consumer Electronics brands in study ranked below category average (alphabetically): Dynex Home Electronics, Insignia Home Electronics, JVC Home Electronics, Mitsubishi Home Electronics, Philips Home Electronics, Sanyo Home Electronics, Sharp Home Electronics, Sylvania Home Electronics, Toshiba Home Electronics

Digital Camera

Gaming Console

GPS Navigation System

Cruise Lines

Cruise Line

Entertainment / Recreation

Amusement Attraction

Las Vegas Casino

Financial Services / Insurance

Health Insurance

Insurance

Investment

National Bank

Payment Network

Super Regional Bank

Foods

Chocolate Candy

Cookie

Energy Bar

Gum

Non-Chocolate Candy

Popcorn

Premium Chocolate

Salty Snack

Yogurt

Health & Beauty

Mass-Market Cosmetics

Prestige Cosmetics

Sun Screen

Over-the-Counter Products
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EquiTrend® Categories

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 Financial Services / Insurance
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 Restaurants

Weight-Loss Plan

Hotels

Economy Hotel
 Extended Stay Hotel
 Full Service Hotel
 Luxury Hotel
 Mid-Market Hotel

Household Products

Cat Food
 Dog Food
 Faucet
 Gas Grill
 Household Cleaner
 Kitchen Cabinetry
 Lawn Mower
 Mattress
 Paint
 Power Tool
 Vacuum Cleaner
 Window Covering

Media

Business Magazine
 Factual Entertainment TV
 General Entertainment TV
 General Interest Magazine
 Kids' TV
 Music TV
 News Service
 Pay Cable TV Network
 Sports TV
 TV Network
 TV News
 Weekly News Magazine
 Women's Magazine

Non-Profits

Animal Welfare Non-Profit
 Disability Non-Profit
 Environmental Non-Profit
 Health Non-Profit
 International Aid Non-Profit
 Social Services Non-Profit
 Youth Non-Profit

Online Organizations

Online Deal
 E-Retailer
 Health Information Website
 Online Auto Shopping
 Online Computer Retailer
 Online Department Store
 Online Job Search

Retail
Sports
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Online Mass Merchandiser
Online Office Supply Retailer
Online Travel Service
Video Streaming App

Other Products

Greeting Card

Over-the-Counter Products

OTC Cold / Allergy
OTC Digestive Aid
OTC Fiber Supplement
OTC Laxative
OTC Pain Relief
OTC Sleep Aid

Restaurants

Casual Dining Restaurant
Coffee & Quick Service Restaurant
Fast Casual Mexican Restaurant
Italian Dining Restaurant
Pizza Chain
Quick Service Restaurant

Retail

Convenience Store
Department Store
Gasoline
Hardware & Home Store
Luxury Department Store
Mass Merchandiser
Off-Price Retailer
Office Supply Store
Pharmacy
Sporting Goods Store
Value Store
Warehouse Club

Sports

Sports League

Telecommunications

Mobile Network
Mobile Phone
Pre-Paid Mobile Carrier

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The 2013 Harris Poll EquiTrend® Study

Improve customer engagement with market intelligence on leading brands

The Harris Poll EquiTrend® study is a premiere benchmarking tool that analyzes the impact of consumer engagement on brand equity. This annual assessment details consumer perspectives on your brand and your key competitors' brands in one, affordable solution.

What We Measure

Whether used as a stand-alone brand tracker or a supplement to an established program, Harris Poll EquiTrend examines the predictors of in-market performance: Brand Equity, Consumer Connection, and Brand Momentum.

We capture and analyze the opinions of over 38,000 Americans on 1,500+ brands from 150+ industry categories and break responses down by 28 demographic attributes to help corporations target consumers, generate quality media coverage, support communication efforts, and inform future business strategy.

The capstone of the study is the Equity score, a snapshot of a brand's strength, derived directly from consumer responses. Brands that are ranked highest in their categories receive a Harris Poll EquiTrend "Brand of the Year" award and the option to promote the award among their customers.

Why Equity Matters

Brand equity corresponds to financial performance.

To understand how well your brand is performing against competitors now and in the future, we ask consumers to rate competitive brands on a series of equity-influencing metrics. By pinpointing hits or misses in the brand experience, Harris Poll EquiTrend

makes it easy to identify where to make changes that will boost consumer engagement.

Equally important, Harris Poll EquiTrend trends data. Legacy information starting in 2005 helps you to track changes in brand perception, scout acquisition targets, and evaluate potential relationships for co-branding, partnership, or cause-related marketing opportunities.

Our methodology has been validated by business experts at Georgetown University in the *International Journal of Research on Marketing*. They proved Harris Poll EquiTrend's equity measures to be better indicators of stock-market performance than Interbrands's financial-based system.

Reporting

As with all Harris Poll products, reporting is flexible. We offer several report types as well as executive summaries or presentations of findings and implications:

- **Category Reports** include data on all brands listed in a specific category
- **Custom Reports** include data on up to 10 select brands

Contact Us

For more information about Harris Poll EquiTrend, multi-client products, or custom research solutions, please call 877.919.4765 or email info@harrisinteractive.com.

EXHIBIT 4

TABLE 1
BEST BRANDS

"We would like you to think about brands or names of products and services you know. Considering everything, which three brands do you consider the best?"
(All three replies combined)

Base: All Adults

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Coca-Cola	*	8	7	7	*	*	6	5	7	2	4	3	1
Sony	3	1	3	1	2	1	1	1	1	1	1	1	2
Toyota	*	=10	*	6	=6	=7	4	*	*	5	6	4	3
Dell	*	*	*	*	*	5	*	2	3	3	2	2	4
Ford	2	3	1	3	1	4	2	3	6	6	5	5	5
Kraft Foods	*	*	*	*	*	*	*	4	2	4	3	9	6
Pepsi Cola	*	*	10	*	*	*	*	7	=10	*	*	*	7
Microsoft	*	*	*	=8	6	*	7	*	5	*	=10	*	8
Apple	*	*	*	*	*	*	*	*	*	*	*	10	9
Honda	*	*	*	*	*	*	*	9	*	7	=7	6	10

Note: These are spontaneous replies. Respondents are not read or shown a list of brand names.

* Not in Top 10.

BRANDS THAT DROPPED OUT OF TOP-10 THIS YEAR
Hewlett Packard (was No. 7) and General Electric (was No. 8)

TABLE 2
NUMBER OF INDUSTRIES REPRESENTED IN THE TOP-TEN LIST

	2001	2002	2003	2004	2005	2006	2007
Electronics*	5	3	4	3	5	5	4
Automobiles	3	3	2	4	4	3	3
Consumer & packaged goods	2	3	4	3	2	2	3

* Includes Microsoft

Methodology

This Harris Poll® was conducted online within the United States between June 5 and 11, 2007 among 2,372 adults. Figures for age, sex, race/ethnicity, education, region and household income were weighted where necessary to bring them into line with their actual proportions in the population. Propensity score weighting was also used to adjust for respondents' propensity to be online.

All sample surveys and polls, whether or not they use probability sampling, are subject to multiple sources of error which are most often not possible to quantify or estimate, including sampling error, coverage error, error associated with nonresponse, error associated with question wording and response options, and post-survey weighting and adjustments. Therefore, Harris Interactive avoids the words "margin of error" as they are misleading. All that can be calculated are different possible sampling errors with different probabilities for pure, unweighted, random samples with 100% response rates. These are only theoretical because no published polls come close to this ideal.

Respondents for this survey were selected from among those who have agreed to participate in Harris Interactive surveys. The data have been weighted to reflect the composition of the adult population. Because the sample is based on those who agreed to participate in the Harris Interactive panel, no estimates of theoretical sampling error can be calculated.

The Harris Poll® #71, July 17, 2007

By Regina Corso, Director, *The Harris Poll®*, Harris Interactive

These statements conform to the principles of disclosure of the National Council on Public Polls.

About Harris Interactive

Harris Interactive is the 12th largest and fastest-growing market research firm in the world. The company provides innovative research, insights and strategic advice to help its clients make more confident decisions which lead to measurable and enduring improvements in performance. Harris Interactive is widely known for The Harris Poll, one of the longest running, independent opinion polls and for pioneering online market research methods. The company has built what it believes to be the world's largest panel of survey respondents, the Harris Poll Online. Harris Interactive serves clients worldwide through its United States, Europe and Asia offices, its wholly-owned subsidiaries Novatris in France and MediaTransfer AG in Germany, and through a global network of independent market research firms. More information about Harris Interactive may be obtained at www.harrisinteractive.com. To become a member of the Harris Poll Online and be invited to participate in online surveys, register at www.harrispollonline.com.

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Harris Interactive Inc. 07/07

The Harris Poll® #71, July 17, 2007

By Regina Corso, Director, *The Harris Poll®*, Harris Interactive